

Clovis to take up retail center

City Council expects to address concerns about a 24-hour Wal-Mart.

By Marc Benjamin

Fresno Bee, Sunday, Sept. 16, 2007

Clovis City Council members say they expect to address a host of concerns about plans for a 500,000-square-foot shopping center when they discuss the project Monday night.

Worries about the hours of operation, traffic, air pollution, lighting and noise all have been raised by critics of the massive shopping development, which would include a 24-hour Wal-Mart.

On Monday, the City Council will give critics and supporters an opportunity to speak out -- and they also will consider whether to approve an environmental impact report, a crucial step before the project could move forward.

The shopping center is proposed on 40 acres along Herndon Avenue just south of Highway 168, between Clovis and Sunnyside avenues. It would include a Kohl's, Petco, Ross and Old Navy.

It is expected to attract about 19,000 vehicles a day -- which has prompted some residents to raise concerns about the effects of pollution and traffic.

Three weeks after about 125 residents showed up for a Planning Commission meeting to voice their concerns, the City Council will be asked on Monday to consider whether the center can stay open 24 hours a day, to determine the hours of Wal-Mart's tire and lube center, and to consider how tall signs at the center may be.

Mayor Bob Whalen said he has concerns about traffic and air quality. He also wants to learn more about a noise study that said the project would not need a sound wall.

Residents along Sunnyside Avenue, east of the development, are worried that noise from the development will be greater than the environmental document states. Whalen said the center's developers should want "to be a good neighbor" and should think about building a sound wall anyway.

Before making a decision about the project, Whalen said he wants to hear Monday's testimony. But he expects the City Council to place new conditions on the project.

"We will likely put some restrictions on the use or signage, and then it will be back to the shopping center to determine if they can have economic success with those restrictions," Whalen said.

Much of the debate has revolved around the proposal for 24-hour operations -- something that council members Harry Armstrong and Nathan Magsig identify as a source of concern.

"I think it's going to tax our safety services," Armstrong said.

Council Member Lynne Ashbeck also said she was concerned about the hours of operation.

Shopping center developer David Paynter said there already is a precedent in Clovis for businesses that operate 24 hours a day.

"They are allowing other grocery stores to do it, so I don't know why the Wal-Mart couldn't be 24 hours," he said.

Aaron Rios, a Wal-Mart spokesman, said the proposed 24-hour operation is a response to Wal-Mart's shoppers.

"They want the freedom to be able to shop at their convenience," Rios said.

Despite Armstrong's concerns about crime, Rios said there is no evidence that Wal-Mart's presence increases crime.

Whalen said he was not as concerned about the store being open 24 hours, especially since two large supermarkets -- Winco and Food Maxx -- already are open in Clovis around the clock.

Armstrong said he has other reservations. For example, he said, the new Wal-Mart Supercenter could "cannibalize" an existing Wal-Mart at Shaw and Peach avenues, leaving an empty building if the company decides it no longer attracts enough business. The new Wal-Mart also might take business from other stores, possibly forcing them to close, he said.

In addition, Armstrong said he does not believe the environmental-impact report adequately addresses the effect of the project on roads, or the financial effect on other local businesses.

"I am not totally sold on everything in the [report], because a lot of it is wait-and-see and promises," he said.

Magsig said he will look at how the project fits into the city's general plan, its blueprint for future development.

"I haven't ruled out adding more conditions that staff has not listed yet," he said.

Paynter, the developer, said the development is a good fit for the proposed site next to a freeway and major thoroughfare.

"This is the right project in the right location," he said.

The developer already has been asked to make concessions. For example, recreational vehicles would be prohibited from parking in front of Wal-Mart, something the retail giant promotes at its stores.

And in a response to concerns raised during last month's Planning Commission meeting, city staff said that the developer will make road improvements to address traffic concerns.

The developer will contribute to such things as wider roads and extra turn lanes at Herndon and Sunnyside avenues, the off-ramp from Highway 168, and the Villa and Herndon avenues intersection.

The staff report also said the developer will work to address concerns about pollution by participating in programs to reduce overall emissions and by paying \$278,000 into a San Joaquin Valley Air Pollution Control District fund for use in clean-air projects.

Rios, the Wal-Mart spokesman, said tax revenue from the project -- estimated to be about \$950,000 annually -- could be used to pay for more police.

"We know it's a great project," he said, "and once it's developed, it will have tremendous support and produce benefits to the city."

Bullet train: benefit or burden?

Transit, ecology plusses weighed against growth, loss of wetlands

By Alex Breitler - Record Staff Writer

Stockton Record, September 17, 2007

When officials first considered building a 220 mph bullet train more than a decade ago, they focused on one goal: faster travel from San Francisco to Los Angeles.

Day trips to Disneyland, anyone?

Now supporters say there's more to sell. Increasingly, the electric train is viewed as a way to reduce tailpipe emissions in California and combat global warming.

Not everyone believes that a high-speed rail system, if built, would solve environmental problems without creating new ones. One proposed route, for example, travels through ecologically sensitive wetlands. A bullet train also could sprout growth in previously undeveloped areas.

"We'll have both the benefit and the burden in this region," said Carol Whiteside, director of the Modesto-based Great Valley Center, which monitors growth and transportation.

A meeting in Stockton this week gives the public a chance to weigh in on the environmental issues plus the most controversial point: whether the train crosses from the Bay Area east over

the Altamont Pass, thus serving the northern San Joaquin Valley, or whether it slices across Pacheco Pass to the south.

Environmental reports prepared by the California High-Speed Rail Authority say that system could accommodate 117 million passengers by 2030. This could take millions of cars off the road, decreasing the number of miles driven in California by about 5 percent.

That might not sound like much. But rail proponents say it's comparable to the benefit provided by the Bay Area Rapid Transit system.

"We are trying to get people moving within the state of California," said the rail authority's director, Mehdi Morshed. "This is a way that is not only economically feasible but environmentally feasible."

High-speed trains require less energy per mile to move passengers - about one-third the energy used by an airplane or one-fifth the energy used by a commuter's car - the authority says.

Using steel wheels on steel track reduces friction and is energy-efficient compared with rubber tires on freeways or airplanes flying in the wind, said Oliver Hauck, whose Sacramento-based Siemens Transportation Systems has designed light-rail tracks in cities across the country.

The fact that California's trains would be electrically powered does not make them truly zero-emission. California's electricity comes from a variety of sources, including the burning of fossil fuels, which contributes to global warming.

Other concerns include:

- Anywhere from about 750 to 1,380 acres of farmland could be destroyed to build track in the northern area, depending on where the train crosses into the Valley.

Still, the impacts would be less than the impacts of widening major highways, officials say. And, where possible, track would be constructed along existing transportation routes.

- Trains also could encourage new development. Rail officials say growth will be concentrated around existing cities to preserve open space.
- Tracks would travel over wetlands that provide habitat for 1 million waterfowl and nearly 50 sensitive species. The project "risks destroying" the ecology if not studied carefully, according to the Los Banos-based Grassland Resource Conservation District.

The Natural Resources Defense Council says the concept of high-speed rail is exciting, but rigorous environmental study is necessary, a point seconded by the Great Valley Center's Whiteside.

"For an environmental point of view, the most important thing to do is be really thoughtful and thorough," she said.

Public meeting

The California High-Speed Rail Authority will meet Tuesday in Stockton to discuss the proposed train system and the route it should take. It is one of a series of community meetings.

Stockton was not originally included in the authority's schedule, so local officials requested the additional meeting, which is scheduled for 4 to 6 p.m. at the San Joaquin Council of Governments, 555 E. Weber Ave.

Information: www.cahighspeedrail.ca.gov <<http://www.cahighspeedrail.ca.gov>>.

County seeks volunteers

Manteca Sun Post Friday, September 14, 2007

The San Joaquin County Board of Supervisors is looking for volunteers to fill positions on the following boards. Applications for each of the positions are available at the Clerk of the Board Office, 222 E. Weber Ave., Room 701, in Stockton.

Applications are due by Sept. 28, and appointments will be made Oct. 9. For information: 468-2350.

Mental Health Board: One position available for a public interest/family representative.

Community Action Board: One position available for a 5th District representative.

French Camp Municipal Advisory Council: Two positions available for directors. Members must be residents of French Camp.

Local Child Care Planning Council: Two positions available for consumer representatives, and one position available for child care provider.

[San Joaquin Valley Air Pollution Control District: One position for an environmental alternate member.](#)

Workforce Investment Board: One position for an education representative. The representative must represent an education agency, institution or organization.

Press reporter wins national award

Staff report

Tracy Press, Wednesday, 12 September 2007

Former Tracy Press reporter John Upton took first place for the national 2007 Sol Feinstone Environmental Award for a series of articles in 2006 and 2007. The articles were [about Lawrence Livermore National Laboratory efforts to increase the amount of explosives it tests at the lab's Site 300 by as much as eight times.](#)

The five articles published in the Press between Dec. 7, 2006, and April 21, 2007, documented an air pollution permit the lab received to increase the amount of explosives it tests at Site 300. The stories also uncovered the fact that radioactive dust would be created by the blasts.

"I'm excited to have had my hard work acknowledged," Upton said. "The award is a reminder of the power and responsibility that local, family-owned newspapers still wield in their communities."

The award is presented by the State University of New York's College of Environmental Science and Forestry.

"He uncovered important stuff that nobody else had," Press City Editor Eric Firpo said. "It's gratifying to see his work rewarded. It's good for John, and it's good for the paper."

Upton will receive the award at a ceremony Thursday in New York. New York Times environmental reporter Andrew C. Revkin will be the featured speaker.

Upton was hired at the Press in spring 2006. He now works as a freelance journalist.

Emission ruling is a victory for state's policy

A federal judge decides for Vermont in a case brought by the auto industry that echoes a California law.

By Jim Downing - Bee Staff Writer

Sacramento Bee, Thursday, September 13, 2007

California cleared a critical green light in its campaign to require automakers to build vehicles that emit less greenhouse gas.

Wednesday, a federal judge upheld a Vermont law requiring automakers to cut climate-warming vehicle emissions 30 percent by 2016. The law is virtually identical to California's Assembly Bill 1493, adopted five years ago and since copied by 14 other states.

The auto industry has sued three states, including California, in an attempt to block the laws. The Vermont case is the first to be decided.

In a 240-page opinion, U.S. District Court Judge William Sessions III rejected both of the auto industry's main arguments: that the emissions-cutting requirements are technically unworkable and that state-level requirements to reduce greenhouse emissions effectively violate the federal government's authority to set mileage standards.

"Congress has essentially designated California as a proving ground for innovation in emissions control regulations," he wrote. "History suggests that the ingenuity of the (auto) industry, once put in gear, responds admirably to most technological challenges."

Gov. Arnold Schwarzenegger called the decision "an important victory in the fight against global warming.

"California and other states that want to take aggressive action will no longer be blocked by those who stand in our way," he said in a statement.

Still, several obstacles remain for AB 1493.

The Alliance of Automobile Manufacturers, which represents most car companies and was the lead plaintiff in the case, is considering an appeal.

"It makes sense that only the federal government can regulate fuel economy," said Dave McCurdy, president of the automakers' group, in a statement. "Automakers support improving fuel economy standards nationally, rather than piecemeal."

A hearing in the California case is scheduled for Oct. 22 in Fresno.

David Bookbinder, a Sierra Club attorney who is a member of the defense team in all three cases, said Wednesday that, because of Sessions' strong ruling following a month of testimony from both sides, the judges in Rhode Island and California are likely to decide the cases without going to trial.

"We're fairly confident we can end the California case fairly quickly," possibly as soon as December, Bookbinder said.

However, even if both court decisions go California's way, the Bush administration, through the U.S. Environmental Protection Agency, could still block AB 1493.

Unique among states, California has the authority under the federal Clean Air Act to set its own air pollution standards -- if it can convince the EPA that the state faces "compelling and extraordinary conditions." If the EPA agrees, it issues the state a waiver, which opens the door for nearly all other states to adopt similar regulations.

California applied for a waiver to implement AB 1493 in December 2005 but has yet to receive a response.

The U.S. Supreme Court in April ruled that the EPA has both the authority and the duty to regulate greenhouse gas emissions, but the agency is still free to reject California's waiver request.

Wednesday, EPA spokeswoman Jennifer Wood said the agency is reviewing more than 100,000 comments on the issue and expects to rule on the waiver request by the end of the year.

California earlier vowed to sue the EPA if it doesn't grant the waiver by Oct. 25. State Attorney General Jerry Brown reiterated that pledge Wednesday.

"This is a matter of some urgency, and they're treating it like a run-of-the-mill case," Brown said in an interview.

Vermont auto emissions ruling could have broad implications

By Ken Thomas, Associated Press Writer

In the L.A. Times, S.F. Chronicle and other papers, Thursday, September 13, 2007

WASHINGTON, (AP) -- A ruling by a Vermont judge this week against the auto industry over tough rules curbing greenhouse gas emissions could have national ramifications, from government agencies developing new regulations to the halls of Congress.

The decision, the latest setback for the auto industry, could stifle similar litigation pursued by car makers while placing more pressure on Congress to implement strict fuel economy rules in an energy bill expected to be negotiated this fall.

Environmental groups said Judge William Sessions III's decision on Wednesday bolstered the attempt by California and its allies to receive a waiver from the U.S. Environmental Protection Agency to set up more stringent vehicle anti-pollution standards than those used by the federal government.

"This, I think, turns up the heat on the EPA on the question of the waiver which is the key step here," said Phil Sharp, a former Indiana congressman who serves as president of Resources for the Future, an environmental group. The EPA has said it will decide on the waiver by the end of the year.

Under the Clean Air Act, California has permission to implement its own pollution rules if it receives a federal waiver. Vermont is among a dozen states that have adopted California's standards.

In Vermont, automakers challenged the limits developed by California that would require a 30 percent reduction in carbon dioxide emissions from cars and trucks by 2016.

The industry said that would require average fuel economy standards to surpass 43 miles per gallon, well above the current requirement of 27.5 mpg for passenger cars. Those standards were unattainable, the industry said during the April trial, arguing it would create a patchwork of regulations across the nation and cause financial hardships for the manufacturers.

But Sessions was unconvinced, writing that "history suggests that the ingenuity of the industry, once put in gear, responds admirably to most technological challenges."

The judge reached his decision after listening to hours of expert testimony and analysis put forth by the auto industry during the 16-day trial.

Brendan Bell, a Washington representative for the Union of Concerned Scientists, said Sessions' swift rejection of their arguments could lead judges considering similar disputes in California and Rhode Island to dismiss the cases.

One of the plaintiffs, the Alliance of Automobile Manufacturers, which represents General Motors Corp., Ford Motor Co., Toyota Motor Co. and others, has not said whether it will appeal the Vermont decision.

Sessions' ruling built upon the momentum for stronger emissions requirements created by the U.S. Supreme Court's ruling in April that said the EPA has the authority to regulate greenhouse gas pollution.

As a result, the EPA now has dozens of scientists and researchers developing new regulations which are slated to be released by the end of the year. The rules are expected to incorporate President Bush's "20 in 10" proposal to reduce gasoline use by 20 percent by 2017.

Bell said the decision was "one more turn of the crank putting pressure" on EPA as it develops the rules. "It sets the bar," Bell said. "What California is proposing is technologically feasible and is the floor."

EPA spokeswoman Jennifer Wood said the agency was "in the process of taking the first regulatory step in addressing greenhouse gas emissions from new cars" and would issue a proposal by the end of the year.

The Vermont case will also be part of the backdrop in the negotiations expected to begin this fall on an energy bill. The Senate approved tougher fuel economy regulations in June that would

require automakers to reach 35 mpg by 2020. A similar House bill was silent on the issue and lawmakers from both chambers will need to resolve the differences.

The industry has tried to build support for an alternative that would seek more moderate increases in the standards for cars and trucks, up to 32 to 35 mpg by 2022.

Frank O'Donnell, president of Clean Air Watch, a nonprofit environmental group, said the ruling would help House Speaker Nancy Pelosi, D-Calif., build consensus around the Senate version.

"The Senate provisions look quite tame compared to California, they look very modest and moderate so it gives Pelosi a very strong argument," O'Donnell said.

Mike Stanton, president and chief executive of the Alliance of International Automobile Manufacturers, which represents Toyota, Nissan Motor Co., Honda Motor Co., and others, said the Vermont decision highlighted the importance of the upcoming regulations.

His organization has raised concerns that the California standards will create "piecemeal state-by-state" approaches that will create varying requirements for the industry in different states and limit the choice of vehicles for consumers.

"This is another directionally bad decision for the industry, but it just moves it one step closer to how is EPA going to end up regulating this?" Stanton said. "Do we go to a federal standard that gets us where we need to be, or do we get individual state standards?"

Unions, builders join to sink diesel reduction bill

The anti-pollution measure looked like a lock until Democrats' biggest ally weighed in.

By Evan Halper, Los Angeles Times Staff Writer
L.A. Times, Friday, September 14, 2007

SACRAMENTO -- The skids seemed greased for one of environmentalists' top priorities this year: legislation forcing the construction industry to reduce pollution, which enjoyed strong support among environment-friendly Democrats.

But the measure died suddenly last week when another frequent ally -- labor unions -- weighed in against it.

The bill would have required construction firms bidding for certain public contracts to retrofit pollution-spewing diesel equipment. Unions, which spend millions on Democratic campaigns and have been among the party's staunchest members for decades, said they feared the regulations would make construction work too costly and result in lost jobs.

The Democrats, who dominate the Legislature, need labor's help on an upcoming ballot measure that could keep some of them in office longer. The unraveling of the diesel proposal highlights unions' influence on the lawmakers, which can trump that of nearly any other group.

"The unions played an extraordinarily large role in stopping this," said Kathryn Phillips, a campaign manager with the nonprofit Environmental Defense. "I don't think industry alone could have done it."

At issue is SB 410, which would have required construction firms bidding for projects funded with public works bond money approved by voters in November to use newer, cleaner-burning machines or outfit their older heavy diesel equipment with devices that capture pollution.

Fumes from the 112,000 tractors, backhoes, excavators and other machines running on emissions technology as much as two decades old are linked to tens of thousands of cases of asthma and 1,100 deaths annually, state studies show.

The equipment is among the state's most noxious machinery and a major source of greenhouse gases. Clean-air groups backing the legislation included Environmental Defense, Sierra Club California, the Natural Resources Defense Council and the American Lung Assn. Backers said the bill would reduce the emission of pollutants by as much as 85%.

Industry groups fought the effort for months. They said the proposed requirements were burdensome at a time when state regulators had just enacted new rules that require companies to transition their entire fleets to cleaner-burning technology.

The companies have as long as 18 years to comply.

Late last week, those opponents were joined by unions representing construction workers. Soon after, support for the bill in the Legislature evaporated and its author, state Sen. Joe Simitian (D-Palo Alto), pulled the measure from consideration until next year.

Simitian expressed bewilderment at the union opposition.

"The group of Californians most adversely affected by dirty diesel are the people out there working on those job sites," he said. "I would think a proposal like this would be met with open arms."

Union officials called the measure a misguided effort that would have reduced jobs.

Daniel Curtin, director of the California Conference of Carpenters, said his union is sympathetic to complaints from employers that too many regulations are being "piled on."

Curtin said the bill would merely have resulted in companies' moving the equipment that has already been retrofitted with the anti-pollution technology to jobs bankrolled with public works bond money, while keeping the dirtier equipment operating at other sites.

"I don't normally jump to the industry's defense," he said. "But I'm baffled as to how they would even be able to comply with this. . . . I don't think it would help clean the air any more effectively."

He disputed assertions by the bill's proponents that it would help construction workers, saying the health of workers was an "afterthought" in the drafting of the bill.

Tim Cremins, a lobbyist for the California-Nevada Conference of Operating Engineers, agreed, saying, "We don't see a predominance of lung failure" among the union's members.

"This bill would have driven up the costs of construction and probably forced some employers out of business," he said.

Environmental lobbyist V. John White disputed that assertion, saying "the labor guys have been misled" by "construction company propaganda."

Unions are the biggest source of campaign cash for Democrats, having donated some \$17 million to the state party leading up to the 2006 elections. Democrats in the Legislature were able to draw from those funds for their reelection efforts.

Environmental groups contributed \$445,000 to the party.

Democrats are looking to labor unions to help bankroll a ballot initiative to change California's term limits, a measure that will come before voters in February. Passage of the initiative would allow many lawmakers who are currently serving -- including the leaders of both the Senate and Assembly -- to hold office longer than is now permitted.

"There are other politics going on that had nothing to do with this particular issue," said Phillips of Environmental Defense. "So we are stuck."

Smog has effects on our blood

L.A. Times, Monday, September 17, 2007

Air pollution reduces blood flow and interferes with the body's natural ability to break up blood clots, researchers said Wednesday in a finding that may help explain why pollution can cause heart attacks. The study, published in the New England Journal of Medicine, also suggests that heart patients trying to shape up might do their exercising away from traffic.

The researchers tested 20 men, all heart attack survivors, who pedaled an exercise bike while breathing diluted fumes from the exhaust of an idling Volvo diesel engine. The exposure was comparable to levels found while driving in traffic.

Doctors already know long-term exposure increases the risk of heart problems. The new study, by researchers at Britain's Edinburgh University, looked at one particularly suspect element of air pollution -- diesel fumes -- and its effects in the short term.

New York Subpoenas 5 Energy Companies

By Felicity Barringer and Danny Hakim
N.Y. Times, Sunday, September 16, 2007

Attorney General Andrew M. Cuomo of New York has opened an investigation of five large energy companies, questioning whether their plans to build coal-fired power plants pose undisclosed financial risks that their investors should know about.

Mr. Cuomo, using the same state securities law wielded by his predecessor, Gov. Eliot Spitzer, to investigate corruption on Wall Street, sent subpoenas late Friday to the top executives of the five companies, seeking internal documents.

The companies, which have projects in various states, are AES Corp., Dominion, Dynegy, Peabody Energy and Xcel Energy.

It is rare, if not unique, for a securities law to be used for an environmental purpose, in this case the fight against new coal-fired power plants. The plants' main emission, carbon dioxide, has been linked by scientists to global warming.

In letters accompanying the subpoenas, the attorney general's office asked whether investors received adequate information about the potential financial liabilities of carbon dioxide emissions that exacerbate climate change.

"Any one of the several new or likely regulatory initiatives for CO2 emissions from power plants - including state carbon controls, E.P.A.'s regulations under the Clean Air Act, or the enactment of federal global warming legislation - would add a significant cost to carbon-intensive coal generation," the letters said.

They added, "Selective disclosure of favorable information or omission of unfavorable information concerning climate change is misleading."

Mr. Cuomo's move represents a new tactic in an expanding campaign against some of the more than 100 coal-fired power plants currently under consideration.

The nationwide anti-coal effort is being directed by a coalition of environmental groups, shareholder activists and state officials in the Northeast and on the West Coast, including in New York and California.

In an interview, Mr. Cuomo said, "The concept here is using the securities laws to investigate whether the economic risks of these plants are being disclosed - the economic risks which are dovetailing with the environmental concerns."

Katherine Kennedy, a special deputy attorney general in the environmental protection bureau who worked for the Natural Resources Defense Council for 19 years, added that power plants produced about 30 percent of carbon emissions in the United States, so "it seemed like a logical place to begin."

Mr. Cuomo said, "It's a priority for us."

Two of the five companies disputed Mr. Cuomo's assertions. Representatives of the other companies postponed comment until they could examine the letters and subpoenas.

The power plant investigation was the second last week in which Mr. Cuomo issued subpoenas under the Martin Act, a 1921 state securities law that predates the creation of the federal

Securities and Exchange Commission. The New York law grants the attorney general broad powers to compel testimony and subpoena records.

Until Mr. Spitzer used the law as a weapon against corruption on Wall Street, it was obscure. In June, The Wall Street Journal's editorial page called for its repeal, arguing that "it is a law that allows a prosecutor to punish, or even ruin, any financial company regardless of evidence or motive."

In the case of the five energy companies, Mr. Cuomo said, "This is a very straightforward, consistent use of the act because it's about disclosure to investors."

For five years, environmentally oriented shareholder groups have been filing resolutions seeking similar disclosures - including one with Peabody Energy - said Dan Bakal, the director of electric power programs for Ceres, a Boston-based coalition of investors and environmental groups focused on the environmental impacts of corporate actions.

"This ratchets up the pressure on companies to provide more information as the risks become more and more material," Mr. Bakal said. Peabody Energy, he added, had increased its disclosure somewhat following shareholders' requests.

Vic Svec, a spokesman for Peabody, said in an e-mail message yesterday that the company included climate change disclosures "in multiple places" in its public financial filings.

Mr. Svec also said the letter was inaccurate "in claiming that we operate power plants." He said Peabody is a minority partner in a planned Illinois plant.

Mr. Svec called the New York action "outrageous," adding, "The legal system was designed to protect - not harass - those such as Peabody who are providing clean energy solutions for America."

Representatives of Dynegy, Dominion and AES said the documents were under review.

Xcel Energy is building a coal-fired plant in Colorado that was cited in the letter from the attorney general.

A company spokeswoman, Mary Sandok, said in an e-mailed statement: "The plant under construction in Colorado is being built under an agreement we reached with national, state and local environmental groups, including the Sierra Club and Environmental Defense. Our financial disclosures are adequate."

Data from the federal Energy Information Administration shows that about half the country's electrical generation comes from coal. For the next two or three years, new capacity will be coming largely from natural gas.

But coal, which is now the cheapest fuel - absent expensive technology, still in its experimental stage, to control carbon dioxide emissions - is projected to be the dominant fuel for new electricity from 2009 onward.

The fight against new coal-fired plants has been waged by environmental groups in tandem with their fight at the state, regional and national levels to cap emissions of greenhouse gases in all sectors of the economy.

A group of 10 Northeastern states, including New York, is adopting a program that would cap emissions and allow trading of pollution allotments among projects in those states.

California already has developed rules, which are being copied by New York, Vermont and 10 other states, to reduce heat-trapping gases from passenger vehicles. Those rules were endorsed in a ruling by a federal district judge in Vermont last week - in a case in which Mr. Cuomo's staff participated.

But this is Mr. Cuomo's most significant foray into the arena of climate change since taking over in January from Mr. Spitzer, who was one of the most high-profile occupants of the attorney general's office.

Before he started, Mr. Cuomo acknowledged Mr. Spitzer's formidable shadow; a Cuomo campaign ad last year said his predecessor had left "big shoes to fill" and featured people holding up the foot-measuring scales used by shoe salesmen. This year, Mr. Cuomo, who is a former federal housing secretary and son of a former governor, has himself made waves nationwide.

He shined a harsh light on close ties between some universities and student lenders, and he is now expanding Mr. Spitzer's aggressive use of the Martin Act in new areas.

Mr. Cuomo's office said last week that the attorney general had also invoked the Martin Act and issued subpoenas in his investigation of the oversight of the state's \$154 billion pension fund during the four-year tenure of Alan G. Hevesi as state comptroller.

Study Sees Cities' Air Quality Worsening

By Joe Milicia, The Associated Press

Washington Post, Friday, September 14, 2007

CLEVELAND -- A study released Thursday predicts more bad air days in the summer for Cleveland, Columbus and eight other eastern U.S. cities if global warming continues unabated.

Those cities are expected to have an increase in unsafe air days caused by ground-level ozone, which is formed from a combination of vehicle and factory pollutants and sunlight and heat.

The analysis was conducted by the Natural Resources Defense Council in partnership with several universities, including Yale and Johns Hopkins, and was published in the scientific journal *Climatic Change*.

"It's concerning. This is another health affect that global warming is going to have on people," said Dr. Cynthia Bearer, a neonatologist at Rainbow Babies and Children's Hospital in Cleveland. "Smog is a significant pollutant in that it's associated with all sorts of health effects."

But Myron Ebell, director of energy policy for the nonprofit Competitive Enterprise Institute in Washington, D.C., said the study was "the same old thing" coming from the environmental movement.

"This report is trying to scare the public about global warming through a highly selective use of the facts," Ebell said.

The study predicted that unsafe air days _ defined as days when ozone levels exceed an 8-hour quality standard set by the U.S. Environmental Protection Agency _ will increase in the two Ohio cities, along with Washington, D.C.; Philadelphia; Greenville, S.C.; Memphis, Tenn.; Virginia Beach, Va.; and Asheville, Raleigh and Wilmington, N.C.

Researchers also concluded that 50 eastern U.S. cities would see a 68 percent, or 5 1/2-day, increase in unsafe air days _ which affect asthmatics and cause respiratory problems, particularly in children and the elderly.

"The incidence of asthma is increasing," Bearer said. "There are more kids advised to stay indoors during these bad days."

Bearer believes the study is sound and that it took a conservative approach because it assumes other factors such as emissions to remain constant.

The study involved a computer simulation of the 10 cities. Researchers averaged the air quality from five summers in the 1990s and projected how global warming would effect summertime air quality in 2050, said Kim Knowlton, science fellow on global warming and health at NRDC.

"We think it's important because it isolates this climate only effect," Knowlton said.

Ebell said environmentalists fail to take credit for their own success in improving air quality, adding that the Clean Air Act, while expensive, has worked.

"The amount of days in which American cities are out of compliance with the Clean Air Act for ozone has been declining," said Ebell, whose Competitive Enterprise Institute is funded by corporations from a variety of industries.

Matt Carroll, director of the Cleveland Department of Public Health, acknowledged air quality in northeast Ohio has improved slightly, but said it's still a problem the region has struggled with for decades.

He said the study should serve to show the urgency of the issue.

"It confirms all the concerns we've already had about air quality," Carroll said.

[Fresno Bee commentary, Monday, Sept. 17, 2007:](#)

MARK J. PERRY: Ethanol mixes Midwest corn, D.C. pork

In the politically motivated rush to replace gasoline with corn ethanol, we may be doing ourselves real economic harm.

The government-supported push for ethanol will not only increase taxes and damage the environment, but will add to Americans' burden of high fuel and food costs and especially hurt people on fixed incomes.

And it will do almost nothing to reduce dependence on foreign oil - all of the ethanol production this year will replace less than 5 percent of the gasoline sold.

Clearly, there is a limit to how much of the U.S. corn crop can be gobbled up for ethanol without pushing food prices higher and higher. Increased production of corn-based ethanol during just the past 12 months has raised food prices by \$47 per person, according to a study by Iowa State University. Before the summer is over, the price of milk is expected to jump 40 cents a gallon, and up to 60 cents more for a pound of cheese.

Nevertheless, a Senate energy bill is coming up for final approval next month that would require a sevenfold increase in ethanol from 5 billion gallons this year to 36 billion gallons by 2022. The measure also provides loan guarantees, biofuels research and development grants, and grants for ethanol plant construction for the politically powerful ethanol industry.

As if that's not enough, Sen. Richard Lugar, R-Ind., and Sen. Tom Harkin, D-Iowa, are co-sponsoring a bill that would raise the ethanol mandate to 60 billion gallons by 2030.

Ethanol cannot be justified on a scientific or economic basis, and the only reason the industry has survived and profited is that the government gives corn farmers and ethanol producers very generous subsidies.

As The Wall Street Journal pointed out, ethanol is produced by mixing corn with our tax dollars, currently \$5.5 billion annually in more than 200 ethanol tax breaks and subsidies.

If extended through 2022, as the Senate energy bill provides, the ethanol subsidies will cost taxpayers an estimated \$131 billion, according to the Tax Foundation. Subsidies under the Lugar-Harkin measure would cost as much as \$205 billion over the next 15 years.

The scientific problem with corn ethanol is that it contains one-third less energy than gasoline. So a motorist has to purchase one-third more fuel to go the same distance. If you total up all of the fossil fuel that goes into making and transporting ethanol - nitrogen-based fertilizer and herbicides, fuel to run farm machinery and delivery trucks, natural gas for the distilling process at ethanol plants - it takes more energy to produce ethanol than the fuel provides.

Furthermore, the rush to produce ethanol is adversely impacting the environment. In many parts of the corn belt, water tables are dropping, in some places 10 feet or more in the past decade, because it takes so much water to grow corn and produce ethanol. For that matter, if the government keeps mandating unreasonably high levels of ethanol production, a prolonged drought that devastates the corn crop could cause fuel shortages in the future.

In addition, heavy corn production exacerbates soil erosion, pollutes groundwater supplies from chemical runoff, and increases the level of greenhouse gas emissions from the conversion of grassland to corn production.

The U.S. has an estimated 131 billion barrels of oil and 1,000 trillion cubic feet of natural gas available domestically, but currently off-limits, in and around the U.S. If Congress wants to moderate fuel prices and help consumers and the economy, it ought to open up these potentially oil-rich areas off the Atlantic and Pacific coasts, and in Alaska, to oil and natural gas production.

But there is a real danger that Congress will remain oblivious to the economic and scientific realities of ethanol and take us down the wrong path by mandating a huge increase in ethanol production.

Washington might have a love affair with ethanol for political reasons, but increasing ethanol production will only lead to higher taxes, higher prices for both food and fuel, and damage to the environment, making us all worse off in the process. Congress needs to say no to the ethanol hustlers and end their political addiction to corn.

Mark J. Perry is a professor of finance and economics at the Flint campus of the University of Michigan.

[Fresno Bee editorial, Friday, Sept. 14, 2007:](#)

States win a round in greenhouse gas battle Vermont ruling encouraging for California, others.

A Vermont judge's ruling Wednesday sends ripples all the way to California, where the state is trying to put landmark controls on greenhouse gases into effect. And the next round in the battle is likely to be

played out in a Fresno courtroom.

Auto companies brought three similar lawsuits to courts in Vermont, Rhode Island and California after this state adopted new rules to reduce vehicle emissions that pump greenhouse gases -- believed to be the principal cause of global climate change -- into the atmosphere.

California is key in such battles because of its unique situation with respect to federal clean air rules. California began regulating emissions before the federal government, and therefore is permitted to create more stringent standards. Other states may adopt California's tougher rules or stick with the federal standards.

The Vermont ruling, strictly speaking, has no direct impact on the case in Fresno. But one possibility is that U.S. District Court Judge Anthony W. Ishii could dismiss the California suit, based on the Vermont ruling. That would be ideal: The auto companies should "choose innovation over litigation," in the words of a Sierra Club spokesperson.

The Fresno case is scheduled to get under way Oct. 22.

The Vermont case also undermines the position of the federal Environmental Protection Agency, which has doggedly stalled action on a request for a waiver from California. That's no surprise: The EPA under the Bush administration has largely become a creature of the polluting industries it is meant to regulate.

The waiver is an essential step in putting California's new greenhouse gas rules into effect. The EPA claimed it had no authority to regulate greenhouse gases under the federal Clean Air Act. The U.S. Supreme Court put the kibosh on that argument in April.

California Attorney General Jerry Brown has said the state will sue if the EPA doesn't act soon on the waiver request, and the Vermont ruling gives the state more ammunition for such a case. Let's hope it doesn't come to that, but if the EPA's intransigence continues, a lawsuit may be California's only recourse.

Once California gets the go-ahead, the new limits would be phased in beginning in 2009, and culminate in a 30% reduction in carbon dioxide emissions from cars and trucks by 2016. The sooner, the better.

[S.F. Chronicle commentary, Sunday, Sept. 16, 2007:](#)

Is California the world's last best hope against climate change?

When it comes to energy, California has often been seen as the Promised Land.

Beginning with oil and hydropower in the mid-19th century, and then later with renewable energy and efficiency in the 1970s and '80s, California has always leaped into the challenges of our energy conundrum with blindfolded gusto - and blazed trails in the process.

Despite the Golden State's energy meltdown just seven years ago - remember the rolling blackouts, bankruptcies and the shenanigans of Enron and company? - all eyes today are again focused on California and its radical legislative agenda addressing the largest energy challenge of all: global climate change.

The passage of AB32 has earned our dear governor and state lawmakers many kudos and good press. "You might think we might be risk averse (since the energy crisis), but that never happened," said Dan Kammen, a professor with UC Berkeley's Energy and Resources Group. "I call it the 'California miracle.' We are again leading the world."

But now as push comes to shove, large questions loom. How can California tackle such an enormously global issue as climate change, when our federal government is still in denial? Even Kammen freely acknowledged: "The hard part really is still ahead of us: How do we really implement these climate change standards?"

AB32 requires the equivalent of a 25 percent reduction in greenhouse gas emissions by 2020. That equates roughly to 174 million to 192 million tons of carbon. California's utilities are already cleaner than the rest of the country, so it is our motor vehicles and buildings (as well as everyday habits) that will have to play major roles in forging solutions. There will no doubt be winners and losers. Say goodbye to the cement industry, and the state's declining, yet still significant defense sector could also get hit hard.

So far, the end-results from AB32 are few and far between, but that is to be expected given the enormity of the task at hand. To date, the California Air Resources Board has proposed policies that could, at most, achieve one-fifth of the required reductions. Since 41 percent of our pollution portfolio comes from the methods we use to transport us from points A to B, the low-carbon fuel standard impacting our trucks and cars is the most notable of the new policies. Other proposed AB32 regulations impact emissions from refrigerators, landfills, trucks, docked ships, semiconductors, cement plants, fertilizers, and auto tune-up and oil change shops.

The only way to succeed on climate change is to take a systems approach, a comprehensive and integrated plan. AB32 allows for such a broad framework, but coordinating federal, state and local governments to meet these tough reduction goals is certainly not going to be a cake walk.

At an Aug. 9 climate change forum in Marin County, Supervisor Charles McGlashan said: "We have to do everything, everywhere, yesterday. We need a level of mobilization equal to what the U.S. did during World War II." He went on to note that simple steps, literally, can make a difference. For example, he pointed to statistics in the Netherlands showing that half of all transportation activities there involved bikes and feet, and another third relied upon public transportation.

Here in the state that glamorized freeways and helped the nation become hooked on oil, making that kind of cultural shift seems iffy. In McGlashan's view, issues such as affordable housing also suddenly become climate change issues because one of the prime causes of climate change is our suburban sprawl.

"Dumb growth could swamp everything else we do," added Assemblyman Jared Huffman, D-San Rafael, who also participated in the Marin County forum.

Suburban sprawl is not the only obstacle to success.

The brouhaha over command-and-control regulation versus cap-and-trade approaches that made headlines this summer is just a glimpse of the acrimony that still lay ahead for any efforts to reduce greenhouse gas emissions. Democrats lean toward traditional regulation, while Republicans prefer market incentives. The truth of the matter, of course, is that we need both, and right away.

The appointment of Mary Nichols, formerly with the Natural Resources Defense Council, as the new executive director of the California Air Resources Board is a promising sign. She has been anointed to bridge the gap between the enviro-purists and the industry apologists - and she seems unfazed by the daunting task.

In her view, the political posturing between regulation and markets is a false dichotomy. "It is not either/or, but both/and," she said. "The days when regulators told you exactly what equipment you had to install and when to run it are long gone. ... We believe in regulations that are smarter and that take advantage of economics and the way business is done.

"If we are going to create a system auctioning off allowances to emit carbon, that system needs a strong regulatory underpinning in order to work. The only way companies will put their money into an auction system is if they believe they are buying something real. ... So, the commodity has to be backed up by a government guarantee. Traders then know that they are buying something real."

When it comes to making progress, Nichols questioned those who claim they know the answers. "Nobody knows how we are going to comply," she said. "It is premature to claim if we will be better off or if we need to make major changes. We are just now trying to figure that out."

The elephant in the room, of course, is a carbon tax. By far, the easiest and simplest way to solve climate change is to shift the tax burden to carbon. I can't imagine that ever happening in Sacramento or Washington, D.C., so markets for carbon will have to evolve in order to give this invisible enemy a price.

For Jan Hamrin, executive director of San Francisco's Center for Resource Solutions, time is quickly running out on many of the options being pushed by special interests. She, too, believes that California is still an energy leader but has lost the gung ho pizzazz of our energy past. Not only did state policymakers close down the nuclear power industry in the mid-70s, they then helped create the world's entire renewable energy industry within five years. "We had it all, but it came to a screeching halt in the 1990s," Hamrin said.

Still, she observed that California is viewed as a country unto itself by energy experts the world over. "California is still the state people love to hate. This is still the wild, wild West, where people are willing to try new things. People outside the state are fascinated. They want to see what happens as long as it's not them doing the experimenting!" She added, "Unfortunately, there are no widgets that can simply solve the climate crisis. We have to transform the entire system, the technology as well as the infrastructure."

As John Muir once said, "When we try to pick out anything by itself, we find it hitched to everything else in the Universe." California's efforts to address climate change could - if done properly - also solve our traffic congestion woes, our ever-expanding waistlines, and even the isolation our current electrified and digitalized lifestyle sometimes encourages. We must go back to simplicity and community in order to save the future.

The jury is still out as to whether California can lead the way, but I'm betting that if we fail with AB32, the world may indeed be doomed.

Peter Asmus has been writing about energy for two decades. This article is culled from his forthcoming book, "Introduction to Energy" for the University of California Press.

[S.F. Chronicle editorial, Sunday, Sept. 16, 2007:](#)

Clean air rules win a road test

VERMONT may be known for autumn leaves, maple syrup, and Ben & Jerry's ice cream. Now it's added another distinction: the first state to whip the auto industry in a court test of greenhouse-gas tailpipe limits.

The law at issue is a carbon copy of California's rules also borrowed by another dozen states impatient with slow federal action on global warming. If it stands, the ruling will be a mighty blow to Detroit car makers, who have usually succeeded in brushing back serious challenges to their industry.

But this decision - and this year - are rude shocks to car makers. Oil hit \$80 per barrel last week, and Congress is planning to raise fuel economy minimums. In April, the U.S. Supreme Court told a reluctant federal Environmental Protection Agency that it had the authority and duty to regulate greenhouse gas pollution. Even a once-tongue-tied President Bush talks about global warming and attended a European summit on the topic this summer.

But the Vermont case does the legal heavy-lifting by establishing that states, not just Washington alone, can set emission controls. In this case, that means a 30 percent cut in carbon dioxide and other chemicals that contribute to the heat-trapping greenhouse effect. Led by smoggy California, the states are seeking a federal waiver to impose their own limits, a process that Detroit had challenged for years.

The ruling by a federal judge means the collection of states - which add up to nearly a third of the U.S. car and light-truck market - can stay on course with state-written plans for stricter emissions. It carries a double whammy, though, because stricter emissions have the effect of producing higher gas mileage vehicles, another mandate that Detroit dislikes. The new tailpipe rules could lead to cars getting an average 43 miles per gallon by 2016 compared to 27.5 miles per gallon now.

None of this was lost on U.S. District Court Judge William Sessions, who brushed back industry complaints that the deadline of 2016 was unreasonable and costs too high. "It is improbable that an industry that prides itself on modernity, flexibility and innovativeness will be unable to meet the requirements of the regulation," he wrote. "History suggests that the ingenuity of the industry, once put in gear, responds admirably to most technological challenges," he added in a 240-page opinion.

Car makers are mulling over an appeal while California waits for its own legal test of the same arguments in a federal court in Fresno next month. After writing the emission rules in 2002, it sought a waiver to enforce its own rules in 2005 - and it's been waiting ever since for federal permission. Both Gov. Arnold Schwarzenegger and Attorney General Jerry Brown are threatening to sue Washington if the delay continues. The April Supreme Court ruling - plus the Vermont case - should send a powerful signal to the federal courtroom in California that this state should be allowed to write tough clean-air laws when Washington balks.

Detroit is under pressure to stop the lawyering and produce cleaner-burning products. Schwarzenegger and the governors in the other states that have adopted the California rules last week called on the six major auto makers to end their lawsuits. "We would prefer to follow a path that encourages innovation, not litigation," the governors said.

The momentum is building in other ways. Sacramento is well along in carrying out the global warming mandates on industry and agriculture embodied in a landmark law passed last year. In July, the state smog board declared that future construction equipment must meet clean-emission rules. Coming next will be rules on trucks.

With a boost from Vermont, California's rules are showing the way forward on global warming.

[Tri-Valley Herald Editorial , Saturday, September 15, 2007:](#)

State benefits from Brown's 'green' deal

THE ENVIRONMENTAL agreement between Attorney General Jerry Brown and ConocoPhillips is a clear demonstration of Brown's ability to use the threat of litigation for a public purpose.

Brown persuaded the oil company to pay the state

\$10 million to offset greenhouse gas emissions from the expansion of its Rodeo plant.

ConocoPhillips will donate \$7 million to the Bay Area Air Quality Management District. The money will be used to buy and scrap old cars, convert vehicles to run on alternative fuels, plant vegetation over garbage dumps to trap methane and plant trees to absorb carbon dioxide.

Another \$2.8 million will go for reforestation efforts, and \$200,000 will be used to restore the San Pablo wetlands.

ConocoPhillips also agreed to an energy-efficiency audit at its Rodeo plant and to check all its California refineries to identify greenhouse gas emissions.

As part of the agreement, Brown will no longer pursue any legal challenge to the expansion of ConocoPhillips' Rodeo plant.

Under the deal, ConocoPhillips will be the first oil company in the nation to offset greenhouse gas emissions from a refinery expansion. It also sets an important precedent for other oil companies that want to expand their refineries.

The agreement comes on the heels of Brown's legal attack on a San Bernardino County growth plan, which he said did not meet the spirit of Assembly Bill 32.

AB32 is a sweeping law that calls for the state to sharply reduce greenhouse gas emissions. It does not take effect until 2012. That's not soon enough for Brown, who aggressively is pushing for greenhouse gas reductions now.

San Bernardino County and Brown have settled the lawsuit, which also sets a precedent for other counties.

The winners are the people of California, who will benefit from the mitigation money from ConocoPhillips and the production of larger quantities of cleaner-burning gasoline.

[Fresno Bee editorial, Friday, Sept. 14, 2007:](#)

Madera County project troublesome

Madera County supervisors gave the OK to a mammoth new development just north of Fresno, despite serious concerns over water supplies and air quality in the area.

On Tuesday the supervisors approved the Gateway Village development near Highway 41 and Avenue 12, just north of Children's Hospital Central California. The project would add as many as 21,000 new residents to the county.

The plan relies on Caltrans to extend state Highway 65 through Clovis northwest to Highways 99 and 152. In the absence of such an extension, it's likely that traffic on Highway 41 near the project will become a nightmare long before the 2,000-acre development is completed.

So the result is this: Acres of orchards and other crops will be replaced by row upon row of suburban dwellings, complemented by new ribbons of highway. Water supplies -- already dicey in much of Madera County and the Valley -- will be further strained. Increased traffic from all those new homes will add to the bad air we breathe and bring even more congestion to local roads.

And Supervisor Frank Bigelow, who represents the area where Gateway Village is planned, said: "I think it's really a good outcome."

We don't agree. It strikes us as the sort of outdated thinking -- straight out of the 1950s -- that we can't afford in the Valley any longer.

[Washington Post editorial, Sunday, September 16, 2007:](#)

Waiting for the EPA

A Vermont ruling on emissions standards puts the spotlight back on an overdue decision in Washington.

EVER SINCE California passed its stringent tailpipe emissions standards in 2002, automakers have sought to nullify them, and they've hit nothing but roadblocks. In April, the U.S. Supreme Court ruled that the Environmental Protection Agency has the authority to regulate greenhouse gas emissions. Now, a federal judge in Vermont has decided in favor of that state's emissions standards, which are modeled on California's. But none of this will mean a thing unless the EPA grants California a waiver -- something the agency seems in no particular rush to do.

Because California's air pollution laws predate those of the federal government, the Clean Air Act permits the state to devise its own laws -- and allows other states to adopt its regulations, as long as they are not arbitrary and are at least as stringent as national regulations. The California rules require a 30 percent reduction in greenhouse gases from the tailpipes of cars and light trucks by 2016, starting with the 2009 model year. Vermont, as well as 10 other states, including Maryland, have approved those standards.

U.S. District Judge William Sessions III ruled that Vermont's tailpipe emissions law could not be blocked. He rejected the argument that California (and, therefore, Vermont) was supplanting federal authority by detailing that state's history as a "proving ground for innovation in emissions control." And Judge Sessions didn't buy automakers' argument that they couldn't meet the new standards, noting that every time policymakers pushed the industry to develop new technologies, such as the catalytic converter in the 1970s, "the industry responded with technological advancements designed to meet the challenges." A similar lawsuit is pending in California.

For Vermont's law to go into effect all that's needed is that EPA waiver for California. This shouldn't be a big deal. The agency has granted the state more than 40 waivers over the past 30 years. Gov. Arnold Schwarzenegger (R) requested one for his state's tailpipe standards in December 2005. And he's heard nothing ever since. EPA spokeswoman Jennifer Wood told us that the agency "is reviewing the more than 100,000 written comments and thousands of pages of technical and scientific documentation received during the public comment period." She said that a final determination on the request would be made by the end of the year.

Two years to make a decision? No wonder California Attorney General Jerry Brown has threatened to go to court if no decision is made by the end of October. And he'd be right to take that action. What California and Vermont are trying to do is bold and necessary. The EPA needs to grant the waiver and step out of the way.

[Bakersfield Californian, Editorial, Friday, Sept. 14, 2007:](#)

Expand the board, clear the air

We applaud Gov. Schwarzenegger's commitment to cleaning up the valley's air and urge him to sign SB 719 to expand the air board.

You would think local legislators would jump at the chance to increase Bakersfield-area representation on a policy-making committee dedicated to solving our single most dire health concern.

You would think southern San Joaquin Valley-based members of the state Senate and Assembly would be climbing all over each other to demand a stronger local voice in solving our most pressing regional problem.

But no, they seem to be saying. Let's let others continue to have a disproportionately big say in the future of our air quality.

On Monday, the Assembly narrowly passed a bill calling for the expansion of the San Joaquin Valley Air Pollution Control District board from 11 members to 15, with the valley's major cities getting a stronger voice in the decision-making process.

State Sen. Dean Florez, D-Shafter, was the only local legislator to support Senate Bill 719, which adds two city appointees to the valley air board, calls upon the governor to appoint two medical or scientific experts, and removes the board from the exclusive domain of elected politicians.

State Sen. Roy Ashburn, R-Bakersfield, Assemblywoman Jean Fuller, R-Bakersfield, Assemblyman Bill Maze, R-Visalia, and Assemblywoman Nicole Parra, D-Hanford, all opposed the bill. Why? Parra said the addition of the four new representatives "is not going to change what we need to continue to do: ... Fix our air problems."

No, it won't, but it will change the way the air district board approaches things. It will mean new ideas, new strategies and broader understanding. It will give the valley's five biggest cities more say, keep the decision-makers in those cities better informed, and bring in new expertise.

As it stands, representatives from only three cities can sit on the board at any one time. The valley's most heavily populated cities, Bakersfield, Fresno and Stockton, do not have permanent seats on the board. Bakersfield, whose two-year term will soon expire, will not be eligible to return under the current setup until sometime in the next decade. Fresno has not had a spot on the board since 1993 and Stockton has never been represented.

Legislators are supposed to make sure their districts are heard in the upper echelons of state government; it is among their most vital duties. To shirk that duty is outrageous. To sidestep that duty when the issue at hand is air pollution, soaring childhood asthma rates and the multi-faceted damage wrought by smoggy skies, is unconscionable.

Gov. Schwarzenegger has demonstrated a sense of urgency when it comes to protecting the health of Central Valley residents, who endure some of the worst air pollution in the nation. We applaud his commitment to the solving the problem and urge him to sign SB 719.

[Bakersfield Californian, Letter to the Editor, Saturday, Sept. 15, 2007:](#)

Are you kidding? Smoke hurts

It's 2:42 a.m. Saturday, Aug. 18, and my 1-year-old son has successfully lodged his heel into my back for the last time. I'm up for good this morning as I tiptoe out the front door to do some extra work at the office prior to everyone waking up. I notice that the ever-so-slight film of ash is back.

As I drive out east to the office, I grow increasingly upset.

How can we sit on our hands and let Santa Barbara County do what would best be described as a 3,000-man \$80 million-plus control burn at our expense? I am certain that when the winds shift and blow the afternoon eclipse to the 14 million neighbors to the south, the fire will get much more attention and will be taken care of with a greater sense of urgency.

Now let me first say that I have never been accused of being a person that might some day perfect cold water fusion or split the atom to solve the world's energy problems. I simply offer the following observations/comments.

As a local farmer who has had good and bad experiences with the San Joaquin Valley Air Pollution Control District, I now must question the district's value to the citizens of this valley.

The SJVAPCD travels the valley and monitors the PM-10 emissions (dust) coming from farm roads; it campaigns for diesel engine retrofits; and it gives grants to private industry to lower the emission of gases into our air. I have never thought this was the proper course of action, but I went along with it because it was something and something was needed.

After this last week of afternoon eclipses, I find the air district's campaigns laughable. Many excuses can be offered and different sides of the arguments have different angles from which people argue and they all have some merit to a degree.

But, in this age of debate about global warming and depleting natural resources where lawyers, rather than scientists, debate the issues of crisis, we now all must agree Mother Nature (a few

years ago I would have said God, but that is not allowed any more) is ultimately in charge of this ship.

We need to be stewards of our own environment, but not exclusively on the back of business. We need to be realistic about what we are able to accomplish. We live in an area where we are surrounded by mountains; we have toll-free roads that let cars and trucks from around the country come and go unfettered; we allow fireworks and we discourage wood burning in the winter. If anything, we are very good at being inconsistent.

How can the SJVAPCD try to sell us with a straight face that the fires are not affecting our air quality? The world is flat. I am from the government and I am here to help. Separate but equal. STOP!

I am not buying it any more.

I love Bakersfield and its people. I love California and I wish we could see the forest through the trees more often than not.

Since I am in a czar-like mood this morning, can we get a domestic water conservation program started before it is too late? I suggest starting with the traditional even-odd-address-date-of-the-month campaign used in most cities where water is considered precious.

Now it is almost time for the sun to come up. The children are going to be waking up soon. I am going to head back west into town and watch the sunset-style sunrise in the rear-view mirror.

Ben Taft is a Bakersfield citrus farmer who "hit the wall" on a Saturday morning in August when he just plain got fed up with the smoke and ash from the Santa Barbara County fire filling the valley. His commentary was selected August Letter of the Month.